



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLLAND & HART, LLP
555 17TH STREET, SUITE 3200
DENVER CO 80201

COPY MAILED

NOV 19 2004

OFFICE OF PETITIONS

In re Application of	:
Byrnes & Sullivan	: DECISION ACCORDING
Application No. 10/660,411	: STATUS UNDER
Filed: September 10, 2003	: 37 CFR 1.47(b)
Attorney Docket No. 35693.830003.US0	:
For: REDUCED SKIN ABRASION SHOE	:

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed March 3, 2004.

Petitioner has shown that the non-signing inventors, Byrnes and Sullivan, have refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the petition signed by Attorney Brian P. Kinnear establishes that the inventors were successfully mailed the application papers, including the specification, claims and drawings, but both failed to respond to the request that she/he sign the declaration. In addition, petitioner has shown that DashAmerica, Inc. has a proprietary interest in the above-identified application with the copy of the employment agreement showing that all work created by the employees (the non-signing inventors) during employment was the property of DashAmerica, Inc. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions